

### **REMARKS/ARGUMENTS**

In the specification, the paragraph bridging pages 6 and 7 has been amended to state that the arcuate edges of the playing array assembly 10 are generally convex in the width direction and generally concave in the length direction as shown in Figs. 1-5 rather than vice versa as previously stated.

Claims 1-14, 18-23, 25, 26, 28 and 31-33 remain in the application. Claims 15, 16, 17, 24, 27, 29 and 30 have been canceled.

Claims 1-14 and 18-22 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner contends that there is no disclosure of any such "non-contiguous segments that are selectively movable relative to one another" as recited in claim 1 at the time the application was filed. The objection to the use of the term "noncontiguous" to describe the relative positioning of the playing segments is not understood, since the voids between the playing segments keep them out of contact with each other (*i.e.*, they are noncontiguous). Nevertheless, the term "noncontiguous" has been deleted from claim 1. Also the term "movable" has been replaced by the word "positioned". Clear support for this term may be found, for example, in the paragraph beginning on page 6, line 12, which states that the three-dimensional playing segments are positioned relative to one another and spaced apart by voids 14. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-3, 5, 9-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Germanis (3,734,505). Germanis discloses a game board assembly including a plurality of three dimensional non-contiguous playing tiles 1 that are selectively movable relative to one another to define a rectilinear array with rectilinear voids therebetween. However, the playing tiles 1 are not selectively positioned relative to one another to define a rectilinear or non-rectilinear array of playing spaces spaced apart by one or more rectilinear or non-rectilinear voids as recited in claim 1. Moreover, the pegging members 4 of Germanis that fit around the tiles 1 and within the delineated areas 5 of board 6 do not comprise an upstanding wall rising above adjacently disposed playing segments for separating the adjacently disposed playing segments as recited in amended claim 1. Support for this amendment can be found, for example, in the first full paragraph on page 10 of the specification. Accordingly, claim 1 is submitted as clearly allowable.

Claims 2, 3, 5 and 9-13 depend from claim 1 and are submitted as allowable for substantially the same reasons. Moreover, claims 2 and 3 further patentably distinguish over Germanis by reciting that the playing segments define one or more playing spaces of the array of playing spaces on which one or more playing pieces are selectively placed.

Claim 5 further patentably distinguishes over Germanis by reciting that the playing segments consist of a total of 64 playing segments defining 64 playing spaces. Germanis teaches 100 playing segments, not a total of 64 playing segments as claimed.

Claim 10 further patentably distinguishes over Germanis by reciting that the column that extends between the bottom wall and top wall of at least one of the playing segments has a smaller cross sectional area than either of the bottom wall and top wall. In Germanis, the planar tiles 1 have a uniform thickness throughout their height.

Claim 11 further patentably distinguishes over Germanis by reciting that at least some of the playing spaces of the playing segments include different terrain patterns on which the playing pieces are selectively placed. Merely providing the back of the tiles 1 of Germanis of a selective color does not produce a different terrain pattern on which the playing pieces are selectively placed as claimed.

Claims 12 and 13 further patentably distinguish over Germanis by reciting that at least one of the playing segments has an interior region that is accessible from the exterior of the playing segment. Also, claim 13 further patentably distinguishes over Germanis by reciting that one or more of the playing pieces are stored in the interior region of the playing segment when the chess game is not in use. No such externally accessible interior region is provided in the tiles 1 of Germanis for storing one or more chess playing pieces as claimed.

Claims 23 and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by Eplett (4,696,476). Claim 23 has been amended to recite that the chess game playing array assembly consists of a total of two opposing playing segments disposed relative to one another which are sloped toward each other. In contrast, the game board 10 of Eplett is made of at least four sections 11, 12, 13 and 14 which are disposed with the playing segments sloped away from each other. Also, claim 23 recites that the two opposed playing segments include respective landscape terrain patterns and

topographic geometries that are different from one another and are not a repeat pattern or a reverse repeat pattern of one another. In contrast, the different motifs of the segments of Eplett are checker board patterns which are nothing more than a reverse pattern of one another. Moreover, Eplett discloses that the sections are "similar" to facilitate their being nested together to form a rectangular substantially cubic polyhedron (column 2, lines 58-61). Making the playing segments of Eplett with different landscape terrain patterns and topographic geometries would destroy the nestability of the playing segments and thus would be directly contrary to the teachings thereof.

Claim 26 depends from claim 23 and further patentably distinguishes over Eplett by reciting that the two playing segments are disposed in opposed abutting relation.

Claim 28 is rejected under 35 U.S.C. § 102(b) as being anticipated by Berger (3,406,975). Claim 28 has been amended to recite that the chess game playing assembly consists of a total of three three dimensional playing segments disposed relative to one another to define an array of playing spaces on which chess game playing pieces are selectively placed when a game of chess is being played; also that all three playing segments include respective playing motifs that are different from one another and are not a repeat pattern or a reverse repeat pattern of the other playing motifs. In contrast, the interchangeable sections 1-4 of Berger each have a checker board pattern which is a repeat pattern or reverse repeat pattern of one another. Accordingly, claim 28 is submitted as clearly allowable.

Claims 4, 6-8 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Germanis in view of Bulbrook (GB 2229099A). However, all of these

claims depend from claim 1 and are submitted as allowable for substantially the same reasons. Moreover, at least claim 4 further patentably distinguishes over these references by reciting that at least one of the playing segments has a shape different from that of another of the playing segments. Support for this amendment can be found in Figs. 7-10 and the related description of the specification. In contrast, all of the playing segments of both Germanis and Bulbrook as well as the other cited references are of the same shape.

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Germanis in view of Gaito (5,462,281). According to the Examiner, it would have been obvious to provide electric bulbs in the interior of the segments of Germanis surrounded by transparent/translucent walls as taught by Gaito. However, claim 14 depends from claim 1 and is submitted as allowable for substantially the same reasons. Moreover, claim 14 has been amended to recite that the one playing segment has at least one window in at least one side wall through which light from the lighting element is cast into at least one of the voids between the respective playing segments. Support for this amendment may be found for example in Fig. 13 of the drawings and the related description on page 9, lines 17-21 of the present application. In contrast, only the playing positions 22 of the playing board 20 of Gaito are lighted.

Claims 19-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Germanis in view of Hullinger (6,279,907). According to the Examiner, it would have been obvious to implement the game of Germanis on a computer as taught by Hullinger. However, it is respectfully submitted that there is no suggestion or teaching for combining Germanis and Hullinger in the manner suggested by the Examiner.

Moreover, claims 19-22 depend from claim 1 and are submitted as allowable for substantially the same reasons in addition to reciting other novel features in the claimed combination.

Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Eplett in view of Post (2,946,592). The Examiner admits that Eplett does not teach two 4 by 8 collectively forming an 8 by 8 formation, but contends it would have been obvious to make the game of Eplett in lesser number of segments as taught by Post. However, it is respectfully submitted that would be directly contrary to the teachings of Eplett. Accordingly, claim 25 is submitted as allowable in its own right in addition to being dependent on claim 23.

New claims 31 and 32 depend from claim 1 and further patentably distinguish over the cited references, claim 31 by reciting that one or more void fillers extend around more than one of the playing segments, and claim 32 by reciting that the playing segments are positioned relative to one another to define a non-rectilinear array of playing spaces. New claim 33 depends from claim 28 and further patentably distinguishes over the cited references by reciting that the first two playing segments are sloped toward opposite ends of the third playing segment.

For the foregoing reasons, this application is now believed to be in condition for final allowance of all of the pending claims 1-14, 18-23, 25, 26, 28, and 31-33, and early action to that end is earnestly solicited. Should the Examiner disagree with applicant's attorney in any respect, it is respectfully requested that the Examiner telephone applicant's attorney in an effort to resolve such differences.

In the event that an extension of time is necessary, this should be considered a petition for such an extension. If required, fees are enclosed for the extension of time and/or for the presentation of new and/or amended claims. In the event any additional fees are due in connection with the filing of this amendment, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (Charge No. HUTCP0101US).

Respectfully submitted,

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